

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**SERVICIOS DE DESCUENTO EN
COMPRA, INC.**

DEBTOR

CASE NO. 09-00832 (SEK)

CHAPTER 11

MOTION TO COMPEL PAYMENT OF ADMINISTRATIVE EXPENSES

TO THE HONORABLE COURT:

COME NOW, PJAY Investment Corp., creditor and landlord, through the undersigned attorney who very respectfully alleges, states and prays as follows:

1- The debtor in this case assumed the unexpired lease it had with the appearing party. The terms for said assumptions, proposed by the debtor and approved by the Court, were that the debtor would pay the pre-petition balance of \$20,000.00, within ninety (90) days from the entry of the order approving the assumption of the lease, and that it will pay a monthly rent of \$8,000.00. See Docket 75 and 117. Prior to this agreement the amount of monthly rent paid by SEDECO was \$10,0000.00.

2- Under the terms for the assumption of the lease, the parties agreed on a new lower monthly rent in exchange for the payment of the pre-petition debt of \$20,000.00 within the next ninety (90) days. See Docket 75. Accordingly, the parties modified the lease in order to accommodate debtor's need and to provide the appearing party adequate assurance within the same contract. Therefore, once the Court approved the assumption of the lease, the amounts that became due under the contract amounted into administrative expenses, since that kind of payment squarely complies with section 503 of the Bankruptcy Code.

3- Since the order approving the assumption of the lease was made on July 28, 2009, the payment of the \$20,000.00 became due on/or about October 30, 2009. SEDECO failed to pay the \$20,000.00 when it became due and did not pay the rent corresponding to May 2010. Therefore, the amount of administrative expenses due is \$28,000.00. See Exhibit 1.

4- It is respectfully requested from this Honorable Court to order the debtor to pay the post-petition administrative expenses due. That is, to pay to the appearing party the sum of \$28,000.00.

WHEREFORE, the appearing creditor respectfully requests that this Honorable Court grant this motion and/or any other relief that it might deem proper.

IT IS HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsels of record.

RESPECTFULLY SUBMITTED.

In Carolina, Puerto Rico, May 28, 2010.

GARAY MASSEY LAW OFFICE

PMB 347

#5900 Isla Verde Ave. L-2

Carolina, Puerto Rico 00979-4901

Telephone: (787) 791-1818

Fax: (787) 791-4260

s/ Juan Carlos Garay

JUAN CARLOS GARAY MASSEY

USDCPR 212504

juans@prtc.net